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November 6, 2020

VIA ECF AND VIA ELECTRONIC MAIL

Honorable Cecelia G. Morris
United States Bankruptcy Court
Southern District of New York
355 Main Street
Poughkeepsie, New York 12601-3315

Re: Picard v. Kamenstein, et al., Adv. Pro. No. 10-04469 (CGM)

Dear Judge Morris:

We are counsel to Irving H. Picard, as trustee for the substantively consolidated SIPA liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa et seq. and the chapter 7 estate of Bernard L. Madoff. We write in response to the letter from Defendants dated November 6, 2020 in the above-referenced adversary proceeding [ECF No. 103].

The parties appeared before Judge Bernstein on September 30, 2020 to discuss pre-trial matters including Defendants' request to file a summary judgment motion. The parties subsequently agreed to the dates for the various pre-trial submissions set forth in Judge Bernstein's Order dated October 2, 2020 [ECF No. 100]. On November 2, Defendants informed the Trustee of their intention to file a motion for summary judgment and, on November 3, the parties submitted a proposed briefing schedule to Judge Bernstein consistent with the January 27, 2021 return date for the prospective motion, which Defendants previously obtained. On November 4, 2020, the Court approved the proposed schedule in the instant case and directed the Trustee to adjourn two similar summary judgment motions reassigned to Your Honor (*i.e.*, *Picard v. Philip F. Palmedo*, Adv. Pro. No. 10-04749, and *Picard v. Estate of Seymour Epstein*, Adv. Pro. No. 10-04438) to have the three related matters and arguments heard simultaneously on January 27, 2021.

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The Trustee did not consent to Defendants' request to delay all three cases for six weeks given Judge Bernstein's extant order and because it is inconsistent with the direction received from this Court. The Trustee defers to the Court to the extent it is inclined to grant Defendants' request.

The Trustee is available to address these matters at the Court's convenience.

Respectfully submitted,

/s/ Nicholas J. Cremona

Nicholas J. Cremona
Partner

cc: Helen Davis Chaitman, Esq. (via Electronic Mail)